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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/478,777	01/06/2000	JOANNE S. WALTER	8998	2149
26884	7590	02/26/2004	EXAMINER	
PAUL W. MARTIN LAW DEPARTMENT, WHQ-5E 1700 S. PATTERSON BLVD. DAYTON, OH 45479-0001			BORISSOV, IGOR N	
			ART UNIT	PAPER NUMBER
			3629	

DATE MAILED: 02/26/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/478,777

Applicant(s)

WALTER, JOANNE S.

Examiner

Igor Borissov

Art Unit

3629

— The MAILING DATE of this communication appears on the cover sheet with the correspondence address —  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 12 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1,3-9,11-17,19,20 and 27-34 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3-9,11-17,19,20 and 27-34 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_

## DETAILED ACTION

The Claim Rejections - 35 USC § 112 has been withdrawn based on the Applicant's arguments.

### ***Claim Rejections - 35 USC § 101***

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

**Claims 1, 3-8, 17, 19-20 and 27-34 are rejected under 35 U.S.C. 101** because the claimed method for operating self-service terminal does not recite a limitation in the technological arts. The independently claimed steps of: "generating a first voice instruction in a first voice tonality, determining if said user performs a first activity, generating an appropriate second voice instruction in a second voice tonality, determining if said user performs a second activity, and generating a third voice instruction in a third voice tonality" are abstract ideas which can be performed mentally without interaction of a physical structure. The method step: "determining if said user performs a first activity and generating an appropriate voice instruction" may be understood as merely advising a customer in a store. However, the claimed invention must utilize technology in a non-trivial manner (*Ex parte Bowman*, 61 USPQ2d 1665, 1671 (Bd. Pat. App. & Inter. 2001)).

Because the independently claimed invention is directed to an abstract idea which does not recite a limitation in the technological arts, those claims and claims depending from them, are not permitted under 35 USC 101 as being related to non-statutory subject matter. However, in order to consider those claims in light of the prior art, examiner will assume that those claims recite statutorily permitted subject matter.

### ***Claim Rejections - 35 USC § 103***

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The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 1, 3-9, 11-17, 19-20 and 27-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schneider (U. S. 5,083,638) in view of Sato (U. S. 5,949,854) and further in view of Masson et al. (US 4,908,850).**

Schneider teaches a method and system for automated point-of-sale machine, comprising:

**As per claim 1, 9, 17 and 27,**

- generating a first voice instruction in a first voice tonality, which instructs a user in regard to operation of the retail terminal (column 11, lines 24-33);
- determining if said user performs a first activity and generating a proper-response control signal in response thereto (column 11, lines 33-36);
- generating an appropriate second voice instruction in a second voice tonality, which instructs a user in regard to operation of the retail terminal prior to generation of the proper-response control signal (column 11, lines 33-36);
- determining if said user performs a second activity and generating an improper-response control signal in response thereto (column 11, lines 33-36);
- generating a third voice instruction in a third voice tonality, which instructs a user in regard to operation of the retail terminal in response to generation of said improper-response control signal (column 15, lines 13-28).

However, Schneider does not specifically teach a voice type of voice instructions, and does not teach that instructing a user if a predetermined amount of time lapses subsequent to generation of the first voice instruction.

Sato teaches a voice response service method and system, comprising a tone controller for selecting a tone of the voice responses, and an intonation generating circuitry (portion) for generating intonation patterns (column 9, lines 38-45).

Masson et al. teaches a method and system for voice services network with automated billing, including monitoring a user interaction with a terminal (computer), wherein a user is verbally prompted for the user's account number, and wherein if the user does not perform the required action within a predetermined length of time, the user is verbally prompted second time (column 6, lines 54-60).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Schneider to include a voice type and voice inflection selection capability as taught by Sato, because it would improve the performance of the system by alerting customer of his/her improper interaction with the system by changing the voice tone and intonation of the instructions. And it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Schneider and Sato to include instructing a user if a predetermined amount of time lapses subsequent to generation of the first voice instruction, as taught by Masson et al., because it would help inexperienced users to properly conduct the transaction.

**As per claims 3, 11, 19 and 29,** Schneider teaches said method and system, wherein, when "Main Algorithm" determines that a user performs an improper activity, an image of personnel-needed situation is displayed to a supervisor so that the supervisor can interfere (Figs. 4a-4d; column 8, lines 55-68; column 15, lines 8-31).

**As per claims 4, 12, 20 and 30,** Sato teaches said apparatus and method, comprising a volume controller which sets a volume level of a voice response (column 18, lines 36-38).

**As per claims 5, 7, 13, 15, 31 and 33,** Sato teaches said apparatus and method, comprising an intonation generating portion which generates the intonation pattern indicating the voice pitch (column 9, lines 38-45).

**As per claims 6, 8, 14, 16, 32 and 34,** Sato teaches said apparatus and method, comprising a tone controller wherein voice quality of the voices can be at least one of a male voice and a female voice (column 3, lines 9-11).

***Response to Arguments***

Applicant's arguments with respect to **claims 1, 3-8, 17, 19-20 and 27-34** have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure (see form PTO-892).

Any inquiry concerning this communication should be directed to Igor Borissov at telephone number (703) 305-4649.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Receptionist whose telephone number is (703) 308-1113.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's Supervisor, John Weiss, can be reached at (703) 308- 2702.

Any response to this action should be mailed to:

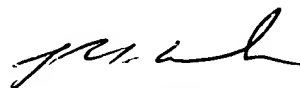
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or faxed to:

(703) 872-9306 [Official communications; including  
After Final communications labeled  
"Box AF"]

Hand delivered responses should be brought to Crystal Park 5, 2451 Crystal Drive, Arlington, VA, 7<sup>th</sup> floor receptionist.



JOHN G. WEISS  
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TECHNOLOGY CENTER 3600

